



State of Illinois
Department of Healthcare and Family Services

Questions and Answers about Immigration and Public Charge

If you want to know what happens to your immigration status when you sign up for state of Illinois programs like All Kids, FamilyCare or SNAP benefits - read on...

The information in this flyer is based on information from the United States Citizenship and Immigration Service.

What is a public charge?

Federal law says that someone who relies mostly on the government for financial support is a public charge.

If the U.S. government decides a non-citizen is likely to become a public charge, that person can be barred from entering the U.S. or from becoming a lawful permanent resident. That means the person cannot get a green card.

Legal permanent residents cannot be turned down for U.S. citizenship for lawfully getting any benefits.

What public benefits could make me a public charge?

The federal government may consider cash welfare, such as Supplemental Security Income (SSI), and Temporary Assistance for Needy Families (TANF), in making a public charge decision. This only applies to sponsored immigrants.

If you are in the U.S. as a refugee or as an asylee, you will not be considered a public charge even if you get cash benefits.

If you are not a citizen and your citizen child or family member needs a cash welfare benefit, the federal government will not consider you as a public charge unless the cash benefit is your family's only means of support.

The federal government may consider someone to be a public charge if they live in an institution, like a nursing home or mental health facility, at the government's expense. However, the federal government will not consider a short-term stay for rehabilitation for public charge purposes.

Getting cash benefits or residing in an institution does not always mean a person is a public charge. If you show that you will not depend on public benefits in the future (for example, if you have a job), the federal government should not consider you a public charge.

I am not a U.S. citizen. If I get FamilyCare, Medicaid or SNAP benefits, am I a public charge?

No. Getting health insurance or Supplemental Nutrition Assistance Program (SNAP) benefits from the state of Illinois will not make you a public charge or affect your immigration status.

However, you may be a public charge if the state pays for you to live in a nursing home.

If undocumented persons apply for a state of Illinois program, will the state report them to the United States Citizenship and Immigration Services?

No.

My son is not a citizen of the U.S. If he uses SNAP or All Kids, will it keep him from becoming a lawful permanent resident of the U.S.?

SNAP benefits and All Kids health insurance should not affect your child's immigration status as long as your child does not receive long term care in a nursing home or mental health facility.

I am not a citizen. If my children get SNAP or All Kids will I be a public charge?

No. Your children's SNAP benefits or health insurance will not make you a public charge. These programs will not affect your immigration status.

I am a legal permanent resident. Do the public charge rules apply to me?

The federal government can decide that you are a public charge in your first five years of entry into the U.S. if you relied mainly on the government for financial support before becoming a legal permanent resident.

Legal permanent residents who leave the U.S. for more than 6 months may be questioned about public charge when they return.

How does immigration status affect my daughter's ability to get All Kids health insurance?

Your child can get All Kids no matter what her immigration status is, as long as she meets the other program requirements.

But your child must live in Illinois. If children come to Illinois just to get medical care, they will not qualify for All Kids.

Can adults get health insurance from the state of Illinois if they are undocumented?

Adults who are not citizens or who do not meet immigration requirements to stay permanently in the U.S. do not qualify for most state of Illinois health insurance programs.

However, as long as they meet the other requirements they may qualify for coverage of a medical emergency.

Everyone in my family is a United States citizen. We were all born in the United States. Why do we have to show our birth certificates when we apply for FamilyCare, All Kids health insurance or other Illinois medical benefits?

Federal law requires Illinois to get proof of citizenship for all U.S. citizens who request medical benefits. We must ask all U.S. citizens to show us documents like birth certificates and photo identification cards.

If you do not have these documents, you can use other documents to prove your citizenship and identity. Talk to your caseworker about other options.

If we can get proof of your citizenship through the Social Security Administration, or you are enrolled in Medicare or Supplemental Security Income (SSI), you do not need to provide citizenship or identity documents.

Children can get All Kids even if they do not have documents to show that they are U.S. citizens.

If you have more questions about the rights of immigrants, contact these agencies for help:

Illinois Coalition for Immigrant and Refugee Rights . 312-332-7360 . www.icirr.org

National Immigrant Justice Center . 312-660-1370 . www.immigrantjustice.org